

Rec-Prod Order # 11

Docs. dated Jan. 1, 1961 - Dec 31, 1972

"Documents" - Docs include letters, ...

Docs to be produced 2, 3, 5, 6, 8, 9.

How many computers in CIA.
IBM? Other?

Total EPD expenditures by year
1961-1971 IBM? Other?

C-1 Secret + Below
C-2 Top Secret
C-3 Code Word

STATINTL

Read over telephone by

NSA on 15 January 1973

Dear Mr. Wilson:

Your letter of 13 December 1972 to the Director, National Security Agency, informs us of new negotiations which have resulted in the court's issuance of a new order which supplements pretrial order number two.

Our opinion is that this supplemental order to identify documents being withheld from production has no application to the NSA. The United States, by its motion of April 27, 1972, requested the court to defer the question of the Government's production of "national security" documents of NSA which would otherwise be produced pursuant to pretrial order number two. The court, at the hearing of this motion on May 10, 1972, deferred the production of national security documents of NSA until a later unspecified time when IBM's need for such documents in its defense could be more precisely identified. We are not aware of any modification to date of this order of the court which has the effect of suspending indefinitely the requirement for the production of sensitive documents of this Agency.

Should the court modify its order so as to require the production of the sensitive NSA documents, we are hopeful that an appeal will be

taken on that ruling. We consider the withholding NSA documents constitute more than the privilege. The Congress has directed that their release cannot be compelled.

We respectfully request that you reconsider your request of 13 December in light of the above discussion.